

The formal record of the hearing is the audio tapes.
The Agents notes area attached to, and part of, the minutes folders in the Com. Dev. office.

CONSERVATION COMMISSION
DRAFT MINUTES OF THE MEETING
WEDNESDAY, SEPTEMBER 17, 2008 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
Ann Jo Jackson, Vice
Chair
John Feener
Arthur Socolow
William Febiger

MEMBERS ABSENT

Charles Anderson
Brandon Frontiero

STAFF PRESENT

Nancy Ryder, Conservation
Agent
Carol Gray, Recording Clerk

Mr. Robert Gulla, Chairman opens the meeting of the Gloucester Conservation Commission.

9 Fenley

The members of the GCC signed off on this as it was approved at a previous meeting on 9/03/08 for a six month extension.

PUBLIC COMMENT: none/closed.

MINUTES REVIEW:

The Minutes of the Meeting dated 07/16/08 were approved.

MOTION: Mr. Feener SECOND: Ms. Jackson VOTE: 4-0 all in favor.

Sarah Buck, Community Development Director, appeared before the GCC and discussed the City Open Space Plan as well as other conservation issues.

She stated that she was impressed with the Gloucester Conservation Agent, Ms. Nancy Ryder as well as the work being done by the Shellfish Constable and the Harbormaster. She noted a special committee in regards to the Open Space Plan going forward. She further notes that having staff and getting the word out to the public would make a difference. She inquired with the GCC as to ways that can be helpful as a Community Development Department.

Mr. Gulla inquired as to the land given for the Open Space Plan as well as the managing of it, noting prioritizing to be taken into consideration.

Mr. Febiger joins the meeting at 7:07 PM. He agrees it is important to include management of existing open space as within the scope of the plan and notes tax title land as a category not being managed. He further notes a previous proposal in the area of Red Rocks to designate tax title land for Conservation purposes.

Ms. Buck notes the 2001 Community Development Plan re: land management and conservation management.

She inquires as to any recommendations the GCC may have.

Ms. Jackson states that there is a lot of open space that either residents don't know about and/or just haven't been to those particular areas and this would make people more aware of their environment.

Mr. Febiger mentioned working with land organizations; he noted a project with Trustees of the Reservation re: the loop trail on contiguous city land at Ravenswood.

Ms. Buck noted a bicycle trail.

Mr. Feener suggested signage re: the importance of the trees.

Ms. Buck thanked all the members of the GCC for the work that they do.

Suzanne Egan– to discuss **39 Wingaersheek Road**, rescinding of OoC in Executive Session.

At this point in time Ms. Suzanne Eagan, City General Counsel asked the members of the GCC to vote to have an executive session re: 39 Wingaersheek Road and clear the room until the session is done.

MOTION: Ms Jackson moves to go to an Executive Session

SECOND: Mr. Feener VOTE: with all members voting all in favor.

(Notes from this session were previously submitted)

135 Coles Island Road (Map 259, Lot 6B)

This is a Request for Determination submitted by H A Patrican to conduct vista pruning and removal of invasive brush in upland edge of ACEC and buffer to coastal bank

Mr. Gulla notes an informative document re: the vegetation management strategy with Mr. Feener noting the pruning standards in the document. He notes that a copy for the GCC members records would be great.

Mr. Feener noted an area of concern as #3 pg. 8: trees larger than 6 inches in diameter/ Zone A Photo 1, under the removal section.

Doug LaChance states that these will not necessarily be removed but 8 types of trees were noted.

Mr. Feener inquired as to mitigation with Mr. John Judd stating it is noted on the plan as 2 to 1.

Mr. Gulla asked if that would help strengthen the canopy with Mr. Feener stating yes, and that it is good to have open space vegetated areas.

Mr. Socolow inquired as to how many trees are to be removed and their diameter.

Doug states that over 6 inches: about 15 %.

Mr. Feener notes pictures and documentation re: trees to be removed in ill health with Doug LaChance stating that the trees to be taken over 6 inches in diameter are diseased and there is no saving them, noting 12 trees fit this criteria.

Mr. Socolow stated that it is 2 to 1 remediation. Doug stated that they are not planning on planting as it is already a thick area.

Ms. Ryder noted the buffer to upland edge.

Mr. Feener noted that trees that are to be removed are not going to affect the underbrush.

Mr. Febiger noted photo #6 and the note re: raising the lower limbs to 25 ft.

Doug LaChance notes the removal of lower branches out of the forest brush with a clearance of 25 ft from grade.

Mr. Febiger inquired as to the tree height with Doug stating that they are all over 60 ft. Mr. Febiger noted the cover letter and the 2 to 1, and inquired as to that being plant count or area count. Doug stated that re: Zone A all the brush is going to be cleared from that area to facilitate an area to plant native plantings.

PUBLIC COMMENT: none/closed.

Zone B photo 3 was noted: trees to be removed under the Norway Spruce as seen in pg. 205 photo Zone B top of the page: plant 12 trees, left hand side facing the water.

MOTION: Mr. Feener moves for a negative determination (+2A/2B/+5/-1)

SECOND: Ms. Jackson

Mr. Feener notes this as being after the completion and photos of the area to be submitted.

VOTE: 4-0 ABSTENTION: 1 Mr. Socolow.

76 High Popples Road, (Map 73, lot 23)

This is a Notice of Intent submitted by Paul Cunningham, to remove and replace dwelling, shed, walls and stairs and to conduct associated landscaping in a bordering vegetated wetland. There was a request for continuation to October 1.

Mr. Gulla entertains a motion to continue the matter to 10/01/08 8:00 PM

MOTION: Ms. Jackson moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

Bungalow Road, and Bayberry Lane, (Map 257, lots 54, 61).

This is a Notice of Intent submitted by Davis Beach Association to perform beach maintenance, and to implement a beach management plan.

Mr. Herbert Phillips President of the David Beach Assoc. is present and before the GCC.

Mr. Curt Young is present and submitting green cards to the Agent.

Mr. Young reviews the plan with the GCC noting 68 families included in the Association.

He notes a triangular lot on the plan being a common parking lot and boat storage area for the association. He notes the management plan re: the tidal flats, the coastal buffer, coastal dune and land subject to flooding. He further notes the area of a priority habitat for Piping Plovers and other species. He notes page 5 re: signs as to procedures and rules re: the beach and the maintenance perspective. Occasional maintenance occurs such as the raking of natural materials from the beach using a motorized rake. He further noted the removal of large logs and carcasses of marine animals. He notes figure 6 and the sensitivity of the area along with the need for access for emergency vehicles.

He notes a 6 ft wide walkway that would be put down in the spring and taken out in the fall.

Re: the parking area he states that offseason it will be used as a storage area for boats and docks and would remain unpaved as it is grass and will be mowed.

A drainage pipe was noted re: Sleepy Hollow Pond.

The Agent notes a minimum clearance distance of 5 to 10 ft. She notes a concern re: the toe of the dune and where the toe of the dune is located, this is an issue. The rack line was noted. In regards to the boardwalk the Agent would like to see the entire boardwalk removed and why not take it off during offseason.

Mr. Young stated that it is kind of a pain to have to do that but it can be done.

Mr. Feener notes either make it 2 ft above or move it upland.

The Agent notes Figure # 5 and snow fencing to wrap around the dunes.

Mr. Young noted the possibility of increased signage.

Mr. Socolow inquired as to trash barrels with Mr. Young stating it is carry in/carry out with signage present.

Mr. Febiger inquires as to the retaining wall with Mr. Young stating that it is permanent.

Mr. Phillips asked if they can leave the walk in the turn around.

Mr. Gulla stated he was concerned about the cleaning/clearing of the dunes at the wrong time with Mr. Young stating that its beach cleaning not dune cleaning.

Mr. Phillips states that on page 9 it is meant to read beach cleaning.

Mr. Gulla notes that it should be stated that no maintenance is to be done in the dune.

5 items noted: boats in relation to the toe of the dune, a rack line noting the toe of the dune, the removal of the walkway with the GCC noting that they would like to see all of it removed and specifically that no operational maintenance is to be done in the dune.

Ms. Jackson further noted the exploration of constructing a fence around the dune.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion to continue the matter to 10/15/08 7:30 PM

MOTION: Mr. Socolow moves to continue the matter to the above date and time.

SECOND: Ms. Ann Jo Jackson

VOTE: 5-0 all in favor.

8:45 PM Mr. Gulla departs the meeting.

8 Walker Street, (Map 237, Lot 62).

This is a Request for Determination of Applicability submitted by John Clarke to construct an addition on a slab in ACEC.

Mr. Jack Clarke is present and before the GCC wanting to add on a 4 X 10 ft. mud room. He notes a special variance from the Zoning Board and the Board of Appeals, which he received.

Mr. Socolow inquired as to excavation with Mr. Clarke stating none to be done.

He did note a dumpster to be placed in the little parking lot.

Ms. Ryder notes that they do have to excavate down 4 ft. to do the slab.

Mr. Feener stated that a mulch is needed around the project site and up to the fence.

Mr. Febiger states that it is ACEC and upland edge with the Agent stating that it is also a riverfront resource area (Leslie took the site visit). The brook is a tidal brook and associated with Walker Creek and is probably a riverfront resource area as well.

Mr. Feener asked the applicant to note on the plan and the photos where the mulch sock will go.

PUBLIC COMMENT: none/closed.

MOTION: Mr. Socolow moves for a negative determination.

SECOND: Mr. Febiger VOTE: 4-0 all in favor

ENFORCEMENT HEARING:

46 Leverett Street, (Map 162, Lot 13)

The Commission requests the attendance of Christine Peterson, to discuss violations that have occurred on site in resource area in violation of an issued Order of Conditions and the State Wetlands Protection Act. The hearing will include discussion and possibly a vote regarding restoration, remediation and any other action the Commission may require of the property owner, including issuance of administrative penalties.

Because of difficulties in scheduling CART it was requested that the matter be continued to 10/15/08 8:00 PM.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

Joppa Way

This is a Letter Permit amendment request.

The matter was tabled at this time. The applicant was at the meeting earlier this evening.

MOTION: Mr. John Feener moves to table this request.

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

Sam Park Group: to discuss mitigation and tree cutting.

Ms. Michelle Harrison, Esq. represents Sam Park Group.

The Agent expressed concern about the work that was done that was more extensive than the OoC noted. She notes Area C and a vernal pool and trimming and cutting in that particular area.

Further noted was a 100 ft. easement to National Grid which is to be relocated 100 ft. and stabilization to the area that was cut. It was acknowledged that there was some confusion re: what to be cut, how to be cut and how much. It was made clear that there was no misrepresentation re: the Nol.

Page 9 was noted re: the immediate planting of low cover to create a canopy re: egg masses.

Ms. Amy Green and Mr. William Manuell, Wetland Scientists recommend Buttonbush to be used to provide cover for the egg masses. Mr. Manuell recommends a 3 to 4 ft. in height every 3 ft. as an edge all around along with monitoring of the plan.

Ms. Harrison asks the GCC to accept this mitigation and approve the plan this evening.

Construction crews have been advised that any confusion or concern should be addressed with the Conservation Agent, Ms. Nancy Ryder.

She notes that it is a clean site and siltation controls in place and apologizes for the discrepancy.

Mr. Feener notes that Buttonbush is quick growing.

Mr. Febiger notes that the old right of way and the new traverse the vernal pool.

Ms. Ryder notes that the rest of the site has been managed and tightly controlled.

She notes supplement #2 re: the core of the vernal pool being protected.

It was noted that power lines were shifted.

The Agent notes the mitigation and the core of the vernal pool.

In reviewing the site she didn't realize that they would be clearing to gr. level as was done re: the new right of way and the core of the vernal pool.

Mr. Socolow inquired as to any clearing being done in the old in anticipation of the wires.

Ms. Harrison stated that it was already cleared because it was already travelled.

Mr. Socolow noted that the stumps look almost 1 ft. in diameter and inquires as to how many were cut with Ms. Harrison stating about 12 were cut.

Ms. Ryder states that they need to make sure the utilities do not clear the Buttonbushes that you are proposing to plant.

Ms. Jackson asked if the GCC is requesting more dense cover as it needs to be done by spring to protect the egg masses. Ms. Ryder stated that there needs to be dense planting of the Buttonbushes to maintain stability.

Ms. Harrison notes Mr. Manuell's recommendation re: Buttonbushes that maybe he could be the overseer of them.

Mr. Feener states that they need to be thick by spring with Ms. Harrison stating that she would like to order them and plant them now.

Ms. Ryder inquires as to any way precautions can be taken to make sure the power company does not come in and clear cut them.

Ms. Harrison stated that she would like time to do some research and discuss this with National Grid. She would like to take the risk of putting the bushes in then get reassurance re: maintenance. She did not know whose responsibility it is regarding the maintenance and the requirements but stated that Sam Park is willing to take that on if necessary.

Mr. Socolow stated that the GCC's intent was not to cut the trees 12 inches in diameter.

Ms. Harrison stated that she disagrees and notes it was for bushes and trees and that the Nol says that tree and shrub clearing will be required.

The Agent notes that the first plan did not show it as an impact area.

Mr. Feener notes that they should be 2 ft apart so they can interlock.

Ms. Harrison notes that they will be located in relation to the need of the egg masses.

The Agent notes that Bill Manuell has researched this and can tell where the locations are.

Mr. Socolow notes the need for information re: any impact on the Wetland area as well as the vernal pool and would like to know the dimensions of the impacted area where the egg masses are laid. He feels the Wetland and vernal pool is impacted and never voted to clear cut the area.

Mr. Febiger stated that clarification is needed re: the bushes and the height requirements.

Ms. Ryder states that there is conflicting information on the Nol. The contractor was asked not to do any work until things were discussed. An environmental monitor said to stop and they did not and this was an egregious offense.

Ms. Harrison stated that word has gone out that the environmental monitor has authority to stop work. They stopped the machine and hand cut instead.

PUBLIC COMMENT: none/closed.

Ms. Jackson states that they need to determine the violation and the consequences of it, if it is a violation. Mr. Manuell needs to report to Ms. Ryder and that the plantings need to be connecting and staggered at the time of planting.

Ms. Ryder states that an e-mail will be sent to all GCC members re: recollection of the site visit.

Ms. Harrison notes that if the plantings are not enough, she will inquire with Mr. Manuell as to the ability to replace them with something else.

Ms. Ryder notes that Bill Manuell and Amy Green can guide Ms. Harrison.

The matter was continued to 11/05/08 7:30 PM.

25 HOLLY STREET - This is a request for a minor amendment

This matter is before the GCC re: mitigation planting plan submitted for review.

The Agent notes that the planting is on either side of the front yard and notes Blueberry bushes in Area K.

Mr. Socolow inquired as to the diameter of the trees removed.

The applicant states 2, each 14 inches in diameter.

The GCC reviews the planting plan. It was noted that effort was put into the creation of the planting plan with Ms. Ryder and Ms. Jackson stating that it shows great effort on the part of the applicant.

Ms. Jackson entertains a motion to accept the mitigation plan.

MOTION: Mr. Feener

SECOND: Mr. Febiger

VOTE: 4-0 all in favor.

3 JOPPA WAY - Letter Permit Amendment Request

This matter is on the agenda for a Letter Permit approval

Ms. Jackson entertains a motion to approve the Letter Permit.

MOTION: Mr. Feener moves to approve.

SECOND: Mr. Febiger

VOTE: 4-0 all in favor.

31 NORSEMAN - Letter Permit Request

Mr. Len Chardo for tree pruning and removal of dead trees in buffer to coastal bank.

The Agent reviews with the GCC noting this is not to exceed more than 7 ft. The reduction is to meet ANSI standards, MA ISA-certified arborist should be instituted re: the living trees. The stumps are to remain unless a dead tree poses a hazard to person or property.

2-2R DOANNE ROAD – Request for a minor amendment

This is a request for grading changes and an updated mitigation plan.

The Agent reviews with the GCC and notes only one problem with this, how are they going to get access to it. There is no real access to the back of the house. The slopes are so steep, how is it to be done ?

Mr. Feener states that a construction sequence is needed with Ms. Jackson stating that more details are needed as well.

17 HORTON STREET – Request for minor amendment

This is a request for a minor amendment re: the addition of 4 new pilings to stabilize float

The Agent reviews with the GCC and states that this exceeds a minor amendment. They want 4 pilings installed to make it permanent.

15 WOLF HILL WAY - This is a request for a Certificate of Compliance

The Agent notes she has yet to see a storm that has hit the basins and the trees cannot be verified. Mr. Feener will go to the site regarding the mortality of the trees.

This matter was continued.

Agent's Report on Violations

4 Stanwood Point; discussion regarding issues on site and vote whether to re-open the existing enforcement order.

A request for continuation by the landowner to October 1 so the landowner can attend.

The matter was continued to 10/01/08.

Requests for Letter Permits

Gloucester Shellfish Department for public shellfish stock enhancement in **Essex Bay**.

MOTION: Mr. Feener moves to approve
SECOND: Mr. Febiger VOTE: 4-0 all in favor

9 Skipper Way - John Judd for Demers, for installation of a tight tank to replace a failed septic system, shown just outside the 100 foot buffer to IVW.

MOTION: Mr. Feener moves to approve.
SECOND: Mr. Febiger VOTE: 4-0 all in favor.

12 High Rock Terrace - roofing replacement in buffer to coastal bank

MOTION: Mr. Feener moves to approve
SECOND: Mr. Febiger VOTE: 4-0 all favor

23 River Road – door and window replacement for sfh on coastal bank

MOTION: Mr. Feener moves to approve
SECOND: Mr. Febiger VOTE: 4-0 all in favor

15 Cononicus – revisit of Letter Permit

Noted was a letter from the Arborist.

MOTION: Mr. Feener moves to approve the Letter Permit
SECOND: Mr. Febiger VOTE: 4-0 all in favor.

Requests for minor amendments

Dorsett Ave Beaver Flooding, beaver deceiver pipe installation, Dave Rimmer would like clarification if he needs to file a Notice of Intent for the installation of the pipe in the lower dam, as follow up to the emergency cert issued last meeting if he is not also planning to lower the water levels from Langsford Pond by installing a deceiver in the upper pond.

*****result

30 Rowley Shore Road

Impervious calculations –tabled.

Massachusetts Ave, Castle View Homeowners for continuation of discussion. –

Request for continuation to October 1.

Summary of preliminary CoC scope emailed to GCC

The matter was continued to 10/01/08.

Requests for Certificate of Compliance

31 Dennison Street

Back coastal bank planted densely, good coverage.

Sides of home are half lawn rather than vegetated buffer as shown on the planting plan, however the coastal bank plantings meet the conditions of the OoC.

Photos not printed yet but available for review on laptop.

MOTION: Mr. Febiger moves to approve
SECOND: Mr. Feener VOTE: 4-0 all in favor.

179 Hesperus Avenue

Upper bank plantings and trees required as mitigation for cut trees are not in place.

Erosion from the parking area is evident down the bank
Photos not printed yet but available for review on laptop
MOTION: Mr. Feener moves to deny the request for Certificate of Compliance
SECOND: Mr. Febiger VOTE: 4-0 all in favor Denied.

68 High Popples Road

The Agent states that she has no issues and this appears stable and complete.
MOTION: Mr. Febiger moves to approve
SECOND: Mr. Feener VOTE: 4-0 all in favor.

Requests for Extension Permits

57 Folly Point Road – Frederick Taylor

The Agent notes that the applicant did grading and nothing else. It has been 5 years of continuations. Mr. Taylor needs to come in before the GCC and explain this.
This matter was continued.

Bill Manuell for Roger LeBlanc **640 Essex Ave.**

It was noted that the applicant was requested by the GCC to appear.

Ms. Jackson entertains a motion to adjourn this meeting of the Gloucester Conservation Commission.

MOTION: Mr. Feener moves to adjourn
SECOND: Mr. Febiger
VOTE: 4-0 all in favor. Meeting adjourned.

Respectfully submitted,

Carol A. Gray
Recording Clerk